

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$9,000.00 IN UNITED
STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Scott J. Campbell, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant property, approximately \$9,000.00 in United States currency, was seized on or about February 13, 2018, from United States Postal Service Priority Mail Express parcel EL166982165US, addressed to an individual with the initials "B.O.," in Milwaukee, Wisconsin. The United States Postal Inspection Service ("USPIS") seized the defendant property following its execution of search and seizure warrant #18-M-23 on that parcel.

3. United States Magistrate Judge David E. Jones of the Eastern District of Wisconsin had issued search and seizure warrant #18-M-23 on or about February 12, 2018.

4. The defendant property is presently in the custody of the USPIS in Milwaukee, Wisconsin.

Jurisdiction and Venue

5. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

6. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

7. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred, in part, in this district.

Basis for Forfeiture

8. The defendant property, approximately \$9,000.00 in United States currency, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

Facts

9. Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812.

First parcel containing the defendant approximately \$9,000.00 in United States currency

10. On or about February 7, 2018, an individual mailed United States Postal Service Priority Mail Express parcel EL166982165US (the “First Parcel”), from which the defendant property was seized, from a location within the Milwaukee, Wisconsin zip code of 53207.

11. The First Parcel bore a return address of an individual with the initials “B.O.” at 11XX W. Oklahoma, Milwaukee, Wisconsin 53215.

- A. This return address is a building with ASP Barber Shop on the ground floor and two apartments on the upper floor.
- B. "B.O." is not associated with this return address.
- C. The postal delivery carrier assigned to this return address location was not familiar with the name "B.O." at that address.

12. The First Parcel was addressed for delivery to an individual with the initials "W.K." at 84XX Carlton Oaks Dr., Santee, California 92071.

- A. "W.K." is not associated with this delivery address.
- B. From January 25, 2018, through February 8, 2018, three Priority Mail Express parcels originating from Milwaukee, Wisconsin had been mailed to this delivery address.

13. On or about February 8, 2018, due to the suspicious nature of the First Parcel, a United States Postal Inspector contacted the Santee, California post office and requested that the First Parcel be returned to the Milwaukee, Wisconsin post office. The First Parcel was suspicious due to, among other things, the following:

- A. It bore a handwritten label.
- B. It was addressed to a well-established source location for drugs mailed to the State of Wisconsin.
- C. Three Priority Mail Express parcels originating from Milwaukee, Wisconsin, had been mailed to this delivery address over the previous two weeks.
- D. Both the return address and the delivery address contained apparently fictitious names not associated with the delivery or return addresses.

14. On or about February 12, 2018, the Milwaukee USPIS received the First Parcel from Santee, California.

15. On or about February 12, 2018, a drug detection canine alerted to the odor of a controlled substance, or an item such as proceeds of a controlled substance that had been contaminated with a controlled substance, inside the First Parcel.

16. On or about February 12, 2018, United States Magistrate Judge David E. Jones issued warrant #18-M-23 authorizing the search and seizure of the First Parcel.

17. On or about February 13, 2018, Postal Inspectors executed warrant #18-M-23 on the First Parcel.

18. The First Parcel contained the following:

- A. A red bag,
- B. Suave body wash,
- C. Old Spice deodorant,
- D. A loofa,
- E. Used socks,
- F. A Target bag,
- G. A Target receipt for all of the above items, except the socks, and
- H. Approximately \$9,000.00 in United States currency, the defendant property.

19. There were no notes, cards, or instructions inside the First Parcel.

20. The defendant \$9,000.00 in United States currency contained inside the First Parcel consisted of 450 twenty-dollar bills.

21. On or about February 13, 2018, Postal Inspectors seized the defendant \$9,000.00 in United States currency from the First Parcel.

Marco Arias' involvement with the First Parcel

22. On or about February 13, 2018, Marco Arias called postal employees numerous times asking the whereabouts of the First Parcel.

23. During Marco Arias' telephone calls with postal personnel, Arias stated that Arias did not know what was inside the First Parcel but that "B.O." had mailed the parcel to Arias.

24. The Target receipt found inside the First Parcel showed the following:

- A. The items had been purchased at the Target located at 1501 Miller Park Way, West Milwaukee, Wisconsin, on February 7, 2018, at 1:30 p.m.
- B. The total purchase price for the items was \$10.85.
- C. The purchaser paid cash for the items.

25. Upon information and belief, that purchaser was Marco Arias.

26. Target's surveillance video of the person who purchased the items found inside the First Parcel appears to match the photograph on Marco Arias' driver's license.

27. The purchaser of the items inside the First Parcel entered a white 2012-2016 four-door Chevrolet Malibu after leaving the store.

28. A still image from Target's parking lot surveillance cameras shows the purchaser entering the Chevrolet Malibu.

29. Marco Arias is the registered owner of a white 2013 four-door Chevrolet Malibu.

- A. The Malibu is registered to Marco Arias at 25XX N. 58th Street, Milwaukee, Wisconsin, which is the delivery address provided on the Second Parcel, as referenced in paragraph 32 below.
- B. The Malibu has been registered to Marco Arias since at least September 22, 2014, and the current registration expires on September 14, 2018.

Second parcel containing approximately 1,044 grams of marijuana

30. On or about February 10, 2018, an individual mailed United States Postal Service Priority Mail parcel 9505515826368041252720 (the "Second Parcel") from El Cajon, California.

31. The Second Parcel bore a return address of an individual with the initials "K.W." at 16XX Pepperhill Dr., El Cajon, California 62021.

- A. "K.W." is not associated with this return address.
- B. "W.K." (the same individual to whom the First Parcel was addressed) is associated with the address 16XX Pepper Hill Drive, El Cajon, California,

which is the second house north of the return address provided on the Second Parcel.

32. The Second Parcel was addressed for delivery to an individual with the initials “A.W.” at 25XX N. 58th Street, Milwaukee, Wisconsin 53210.

- A. “A.W.” is not associated with this delivery address.
- B. Marco Arias is associated with this delivery address by, among other things, Arias’ registration on the Chevrolet Malibu, and Arias’ claim and petition that he submitted, pro se, to the USPIS during the USPIS’s administrative forfeiture proceedings against the defendant approximately \$9,000.00 in United States currency.
- C. Marco Arias’ wife, who has the initials “C.A.,” purchased the home located at the delivery address, 25XX N. 58th Street, Milwaukee, Wisconsin, on or about July 27, 2014, and, to date, is the record owner of that real property.

33. On or about February 13, 2018, due to the suspicious nature of the Second Parcel, a United States Postal Inspector removed the Second Parcel from the mail stream. The Second Parcel was suspicious due to, among other things, the following:

- A. It bore a handwritten label.
- B. It was addressed from a well-established source location for drugs mailed to the state of Wisconsin.
- C. Both the return address and the delivery address contained apparently fictitious names not associated with the delivery or return addresses.

34. On or about February 13, 2018, a drug detection canine alerted to the odor of a controlled substance, or an item such as proceeds of a controlled substance that had been contaminated with a controlled substance, inside the Second Parcel.

35. On or about February 13, 2018, United States Magistrate Judge David E. Jones issued warrant #18-M-26 authorizing the search and seizure of the Second Parcel.

36. On or about February 13, 2018, Postal Inspectors executed warrant #18-M-26 on the Second Parcel.

37. The Second Parcel contained approximately 1,044 grams of marijuana.

Administrative Forfeiture Proceedings

38. On or about April 6, 2018, the USPIS began administrative forfeiture proceedings on the approximately \$9,000.00 in United States currency as money that was used or intended to be used in exchange for controlled substances or was proceeds of trafficking in controlled substances.

39. On or about May 14, 2018, Marco Arias filed, pro se, a claim and a petition for remission to the defendant property, approximately \$9,000.00 in United States currency, with the USPIS during the administrative forfeiture proceedings.

40. On his claim and petition forms, Marco Arias provided his home address as 25XX N. 58th Street, Milwaukee, Wisconsin 53210, which is the delivery address provided on the Second Parcel that contained approximately 1,044 grams of marijuana.

Warrant for Arrest In Rem

41. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1335(d) and Supplemental Rule G(3)(c).

Claims for Relief

42. The plaintiff alleges and incorporates by reference the paragraphs above.

43. Upon information and belief, Arias intended to use the defendant approximately \$9,000.00 in United States currency to pay for marijuana.

44. Upon information and belief, the defendant approximately \$9,000.00 in United States currency was proceeds of trafficking in controlled substances.

45. By the foregoing and other acts, the defendant property, approximately \$9,000.00 in United States currency, was used or intended to be used in exchange for controlled substances,

represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

46. The defendant approximately \$9,000.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property, approximately \$9,000.00 in United States currency, be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 23rd day of July, 2018.

Respectfully submitted,

MATTHEW D. KRUEGER
United States Attorney

By:

s/SCOTT J. CAMPBELL
SCOTT J. CAMPBELL
Assistant United States Attorney
Scott J. Campbell Bar Number: 1017721
Attorney for Plaintiff
Office of the United States Attorney
Eastern District of Wisconsin
517 East Wisconsin Avenue, Room 530
Milwaukee, Wisconsin 53202
Telephone: (414) 297-1700
Fax: (414) 297-1738
E-Mail: scott.campbell@usdoj.gov

Verification

I, Tyler Fink, hereby verify and declare under penalty of perjury that I am a U.S. Postal Inspector with the United States Postal Inspection Service, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 9 through 37 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other Postal Inspection Service personnel, as well as my investigation of this case, together with others, as a U.S. Postal Inspector with the United States Postal Inspection Service.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 07/23/2018

s/TYLER FINK

Tyler Fink
U.S. Postal Inspector
United States Postal Inspection Service

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box: Green Bay Division Milwaukee Division

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Scott J. Campbell, AUSA
US Attorney's Office, #530 Federal Building
517 E. Wisconsin Avenue, Milwaukee, WI 53202 (414-297-1700)

DEFENDANTS

APPROXIMATELY \$9,000.00 IN UNITED STATES CURRENCY

County of Residence of First Listed Defendant Milwaukee

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Fraud	SOCIAL SECURITY	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 391 Truth in Lending	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 392 Other Personal Product Liability	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	Habeas Corpus:	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition)		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 U.S.C. § 881(a)(6)

VI. CAUSE OF ACTION

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

07/23/2018

s/SCOTT J. CAMPBELL

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

2 PLEAS

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$9,000.00 IN UNITED
STATES CURRENCY,

Defendant.

WARRANT FOR ARREST IN REM

To: THE UNITED STATES POSTAL INSPECTION SERVICE

WHEREAS, a Verified Complaint for Civil Forfeiture *in rem* was filed on the 23rd day of July, 2018, by the United States Attorney for the Eastern District of Wisconsin, which seeks the forfeiture of the above-named defendant property pursuant to Title 21, United States Code, Section 881(a)(6), and which prays that process issue to enforce the forfeiture and to give notice to all interested parties to appear before the court and show cause why the forfeiture should not be decreed; and due proceedings being had, that the defendant property be condemned and forfeited to the use of the United States of America.

YOU ARE THEREFORE HEREBY COMMANDED to attach and arrest the defendant property, approximately \$9,000.00 in United States currency, which was seized on or about February 13, 2018, from United States Postal Service Priority Mail Express parcel EL166982165US, addressed to an individual with the initials "B.O.," in Milwaukee, Wisconsin,

and which is presently in the custody of the United States Postal Inspection Service in Milwaukee, Wisconsin, and to detain the same until further order of this Court.

Dated this _____ day of _____, 2018, at Milwaukee, Wisconsin.

STEPHEN C. DRIES
Clerk of Court

By:

Deputy Clerk

Return

This warrant was received and executed with the arrest of the above-named defendant.

Date warrant received: _____

Date warrant executed: _____

Name and title of arresting officer: _____

Signature of arresting officer: _____

Date: _____